

APPEAL NO. 042143
FILED OCTOBER 4, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 2, 2004. The hearing officer resolved the disputed issues by deciding that the respondent/cross-appellant (claimant) sustained a compensable injury to his left index finger on _____, and that as a result of his compensable injury, the claimant had disability from October 26 through December 22, 2003. The appellant/cross-respondent (carrier) appeals the hearing officer's determinations on the issues of compensable injury and disability, contending that there is no evidence regarding causation. The claimant appeals the hearing officer's determination on the disability issue, contending that in addition to the period of disability found by the hearing officer, he also had disability from December 23, 2003, through the date of the CCH. Each party filed a response.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). Section 401.011(26) defines "injury" as "damage or harm to the physical structure of the body and a disease or infection naturally resulting from the damage or harm." It has been held that generally, lay testimony establishing a sequence of events which provides a strong, logically traceable connection between the event and the condition is sufficient proof of causation. Morgan v. Compugraphic Corporation, 675 S.W.2d 729 (Tex. 1984). In the instant case, there is evidence that a wood splinter entered the claimant's left index finger while he was moving a wood crate at work, and that shortly thereafter, the left index finger became abscessed and infected. Although conflicting evidence was presented, the hearing officer could reasonably conclude from the claimant's testimony and the medical evidence that the claimant sustained an injury in the course and scope of his employment. With regard to disability, conflicting evidence was presented on that issue also. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the issues of compensable injury and disability are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge